

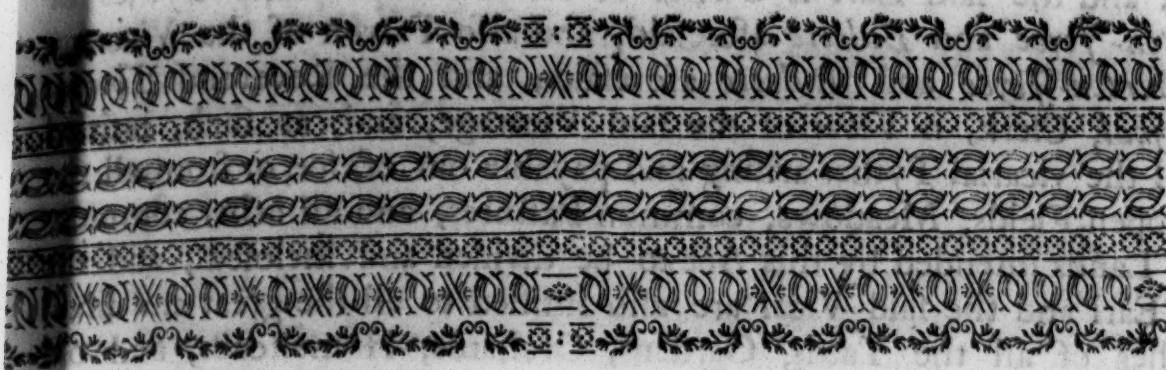
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A N

A C T

F O R

Dividing and Inclosing the Open Fields, Meadows, Common Pastures, and other Commonable Lands, within the Parish and Liberties of *Burton-Joyce* and *Bulcote*, in the County of *Nottingham*.



WHEREAS there are within the Parish and Preamble. Liberties of *Burton-Joyce* and *Bulcote*, in the County of *Nottingham*, several open Fields, Meadows, common Pastures, and other commonable Lands, containing Sixteen hundred Acres, or thereabouts:

And whereas the Right Honourable *Philip Dormer* Earl of *Chesterfield* is Lord of the Manor of *Burton-Joyce*, and *Abel Smith* the younger, a Minor, is Lord of the Manor of *Bulcote*;



cote; and the said Earl is Owner of all the Improprate Tythes of *Burton-Joyce* and *Bulcote* aforesaid, and also Patron of the Vicarage of *Burton-Joyce* and *Bulcote* aforesaid, and the Reverend *Thomas Marshal*, Clerk, is Vicar of the said Vicarage, and, as such, intituled to all the vicarial Tythes arising and payable out of, for, or from all the said open Fields, Meadows, common Pastures, and all other commonable Lands intended by this Act to be divided and inclosed; and the said Earl and the said Vicar are also intituled to all the great and small Tythes of all the Yards, Gardens, Orchards, Homesteads, and old Inclosures lying within the said Parish and Liberties of *Burton-Joyce* and *Bulcote*; and the said Earl, the said *Abel Smith*, the Reverend *Thomas Marshal*, together with *Susannah Gregory*, *Henry Butler*, *John Radford*, *John Cooper*, *William Pilkington*, and others, in various and different Proportions, are Owners or Proprietors of all the said open Fields, Meadows, common Pastures, and other commonable Lands within the said Parish and Liberties:

**And whereas** the Lands and Grounds of the several Owners or Proprietors therein lie intermixed and dispersed in small Parcels, and in their present Situation are incapable of any considerable Improvements, and it would be advantageous to the Persons interested if the same were divided and inclosed; **But** as such Division and Inclosure cannot be established without the Aid of Parliament;

May it therefore please Your MAJESTY;

That it may be **Enacted; And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Ayre* of *Gadesby* in the County of *Leicester*, *John Stone* of *Quorndon* in the County of *Leicester*, and *Thomas Oldknow* of the Town and County of the Town of *Nottingham*, Gentlemen, and their Successors, to be elected in Manner herein after-mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, and allotting the said open Fields, Meadows, common Pastures, and other commonable Lands, within the Parish and Liberties of *Burton-Joyce* and *Bulcote* aforesaid, and for putting this Act in Execution; subject nevertheless to such Rules, Orders, and Regulations as are herein after-mentioned.

Commissioners to take an Oath.

**And be it further Enacted**, That no Person shall be capable of acting as a Commissioner in the Execution of the Powers given by this Act (unless it be the Power hereby given of administering Oaths,

and



and of giving Notice of the First Meeting of the Commissioners) until he shall have taken and subscribed the following Oath, or an Oath to the Effect following:

**I A. B. do swear, That I will faithfully, impartially, and honestly,** Form of the Oath.  
*according to the best of my Skill and Judgment, hear and determine all such Matters and Things as shall be brought before me as a Commissioner by virtue of an Act " For Dividing and Inclosing the Open Fields, Meadows, Common Pastures, and other Commonable Lands, within the Parish and Liberties of Burton-Joyce and Bulcote, in the County of Nottingham," without Favour or Affection to any Person whatsoever :*

Which Oath it shall and may be lawful to and for the said Commissioners, or any One of them, to administer to each other; and the said Oath, so taken and subscribed, shall be inrolled at the same Place and at the same Time as the Award or Instrument of Allotment to be made by the said Commissioners is in and by this Act directed and enacted to be inrolled.

**And be it further Enacted,** That all the Lands and Grounds Survey to be made. hereby intended to be divided and inclosed as aforesaid shall be surveyed and measured by the said Commissioners, or by such Person or   
**4** Persons as they, or any Two of them, shall order and direct, and a Plan made of the Whole; which Plan and Admeasurement shall be reduced into Writing, ascertaining the Contents of the Whole, and the Contents of the Lands belonging to each and every Proprietor interested therein, and shall be laid before the said Commissioners, or any Two of them, at One of their Meetings to be held in pursuance of this Act, and by them kept for the Purposes of this Act.

**And be it further Enacted,** That the said Commissioners, or any Two of them, shall have full Power and Authority, and they Commissioners to value and allot the Lands. are hereby authorized and required, as soon as conveniently may be after the Passing of this Act, to set a Value, without Partiality, upon all the Lands and Grounds intended by this Act to be divided and inclosed, and also a Value upon all the inclosed Lands in the Parish and Liberties of *Burton-Joyce* and *Bulcote* aforesaid, and which are intended in Manner herein-after directed to be made Tythe-free; and also as soon as conveniently may be after the said Survey shall have been laid before them, and the Contents and Value of the Whole, and the Content and Value of each and every Part and Parcel thereof shall be ascertained, to make a Division of the Lands and Grounds hereby intended to be divided and inclosed, unto and amongst the several Persons interested therein, according to the Rules and Directions herein-after mentioned : In the First Place, to assign and set out such publick High-



Highways and Bridle-ways in, over, or through all or any Part of the Lands hereby intended to be divided and inclosed as in the Judgment of the said Commissioners, or any Two of them, are necessary and convenient; provided all such publick Highways (except Bridle-ways shall be and remain Sixty Feet wide between the Ditches or other Fences; and all such publick Highways and Bridle-ways shall for ever thereafter be repaired and amended in the same Manner as the publick Highways and Bridle-ways within the said Parish and Liberties of *Burton-Joyce* and *Bulcote* now are or by Law ought to be repaired and amended: And in the next Place shall set out, allot, and assign unto and for the said Earl, as Lord of the Manor of *Burton-Joyce*, such Parcel of the Lands and Grounds intended by this Act to be divided and inclosed as shall in the Judgment of the said Commissioners, or any Two of them, be equal in Value to One Sixteenth Part of all the waste Lands in the Manor of *Burton-Joyce* intended by this Act to be divided and inclosed, as a sufficient Compensation for his the said Earl's Right as Lord of the Soil of the waste Lands within the said Manor of *Burton-Joyce*; and to the said *Abel Smith* the younger such 6 Parcel of the said Lands and Grounds intended by this Act to be divided and inclosed as shall in the Judgment of the said Commissioners, or any Two of them, be equal in Value to One Sixteenth Part of all the waste Lands in the Manor of *Bulcote* intended by this Act to be divided and inclosed, as a sufficient Compensation for his the said *Abel Smith's* Right as Lord of the Soil of the waste Lands in the said Manor of *Bulcote*: And in the next Place shall set out, allot, and assign unto and for the said Earl as Impropiator, and the said Vicar, such Part and Parcel of the said Lands and Grounds intended by this Act to be divided and inclosed as, Quantity, Quality, and Situation considered, shall be equal in Value to the Glebe Lands and Common Rights therein, now belonging to the said Earl as Impropiator, and to the said Vicar: And in the next Place shall set out, allot, and assign to the said Earl and the said Vicar, in Lieu of Great and Small Tythes, such Part and Parcel of the Residue of the Lands and Grounds hereby intended to be divided and inclosed as shall in the Judgment of the said Commissioners, or any Two of them, Quantity, Quality, and Situation considered, be equal in Value to One full Seventh Part thereof, and no more.

**And whereas** there are belonging to several Persons who have Property in the Lands and Grounds hereby intended to be divided and 7 inclosed several Yards, Gardens, Orchards, Homesteads, and old inclosed Lands within the said Parish and Liberties, which are subject and liable to pay Tythe in Kind to the said Earl and the said Vicar, **Be it further Enacted**, That in Lieu of all such Tythes One Tenth Part of the Value of such Yards, Gardens, Orchards, Homesteads, and old inclosed



closed Lands, shall by the said Commissioners, or any Two of them, be taken out of the several Properties of such Persons in the said Lands and Grounds hereby intended to be divided and inclosed, and added to what is herein before directed to be set out in lieu of Glebe Lands and Tythe to the said Earl and the said Vicar; and that out of the Lands herein directed to be set out for Glebe Lands and Tythes, such a Part thereof as in the Judgment of the said Commissioners, or any Two of them, when being fenced as herein after directed, shall be of the yearly Value of Fifty-five Pounds, shall be set out and allotted unto and for the said Vicar and his Successors, and shall by him and them be taken and accepted in Lieu of and full Satisfaction and Compensation for all his the said Vicar's Glebe Land in the Lands and Grounds intended by this Act to be divided and inclosed, and all Vicarial Tythes, Dues, and Payments, of what Nature or Kind soever, arising or becoming due from any of the Inhabitants of *Burton-Joyce* and *Bulcote* aforesaid (Mortuaries and Surplice Fees, and such Vicarial Tythes as arise from a certain Wood called *Bulcote Wood*, now belonging to *Joseph Briggs*, and all other old inclosed Lands within the said Parish of *Burton-Joyce* and *Bulcote*, which belong to any Person or Persons who have no Property in the Lands and Grounds intended by this Act to be divided and inclosed, excepted); and the Rest of the Lands and Grounds, herein directed to be set out for and in Lieu of Tythes, shall be set out and allotted to and for the said Earl, in Lieu of and full Satisfaction for his Impro-priate Tythes arising from all the said Lands and Grounds hereby intended to be divided and inclosed, and from all such Yards, Gardens, Orchards, Homesteads, and all old inclosed Lands, as are herein before mentioned, to have One Tenth Part of the Value thereof set out for Tythe; and the Residue and remaining Part of all the said open Fields, Meadows, common Pastures, and other commonable Lands and Grounds, shall by the said Commissioners, or any Two of them, be set out and allotted unto and amongst all the several and respective Owners and Proprietors thereof, in Proportion to their several and respective Shares and Interest therein.

**Provided always, and be it further Enacted,** That nothing in this Act contained shall authorize or empower the said Commissioners to give any undue Preference to any of the Persons interested in the said intended Division and Inclosure; but the said Commissioners shall have a due Regard to the Quantity and Quality of the Lands and Grounds to be divided and set out, and also to the Situation and Contiguity of the same to the Houses and Estates of the several Persons to and for whom the said Lands and Grounds shall be assigned and set out

No undue Preference to be given.



Commis-  
sioners may  
order old  
Drains or  
Ditches to be  
scoured and  
cleansed, or  
new ones to  
be made.

**And be it further Enacted,** That the said Commissioners, or any Two of them, shall and may order any old Ditches to be scoured and cleansed, or cause any new Ditches or Drains to be made upon any of the Lands or Grounds hereby intended to be divided and inclosed, which they shall think needful and convenient for draining and improving the said Lands and Grounds; and the Expence attending the same shall be paid in such Manner as they shall order and direct.

Commis-  
sioners to de-  
termine Dif-  
ferences.

**And be it further Enacted,** That in case any Difference or Dispute shall arise between any of the Parties interested in the Lands and Grounds hereby intended to be divided and inclosed, concerning their Rights and Claims therein, it shall and may be lawful to and for the said Commissioners, or any Two of them, and they are hereby authorized and required, by Examination of Witnesses upon Oath (which Oath the said Commissioners, or any Two of them, are hereby im-  
powered to administer) or upon other proper and sufficient Evidence and Satisfaction, to hear and finally determine the same; which De-  
termination shall be final, binding, and conclusive to all the said Par-  
ties.

Proprietors  
may exchange  
old Inclosures.

**And be it further Enacted,** That any old Inclosures, Houses, or other Building belonging to any of the Persons interested in the Lands and Grounds hereby intended to be divided and inclosed (lying and being within the Parish or Liberties of *Burton-Joyce* and *Bulcote* afore-  
said) may by the said Commissioners, or any Two of them, by and with the Consent of the Parties concerned, and not otherwise, be ex-  
changed for other old Inclosures, or for Lands of equal Value, being Part of the said Lands and Grounds hereby intended to be divided and inclosed; and such Exchanges so made, by and with such Consent as  
aforesaid, testified in the Award herein-after directed to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes  
whatsoever.

Commis-  
sioners may  
appoint pub-  
lick Foot-  
ways and pri-  
vate Ways.

**And be it further Enacted,** That the said Commissioners, or any Two of them, shall and may set out and appoint publick and private Footways over all or any of the said Lands or Grounds hereby intended to be divided and inclosed, and also private Horse, Carriage, and Drift Ways to any of the Allotments to be made by virtue of this Act, or to any old Inclosures lying and being within the said Parish and Liberties of *Burton-Joyce* and *Bulcote*, of such Size and Breadth, and to and for such Uses and Purposes, as the said Commissioners, or any Two of them, in and by their Award, to be made as herem-after directed, shall order and appoint; and that it shall not be lawful for any Per-  
son or Persons, after the Execution of the said Award, to use or claim the Use of any Ways, either old or new, publick or private, over,  
within,



within, or through the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof, either on Foot or with Horses, Cattle, or Carriages, or otherwise, other than such Ways as shall be so ascertained, set out, and appointed by the said Commissioners, or any Two of them as aforesaid; and that all former Ways, or so much thereof as shall not be set out and appointed as Highways, shall be deemed Part of the Lands to be divided and inclosed by this Act; and all such publick and private Footways, and private Horse, Carriage, and Drift Ways, shall be repaired and amended by such Persons, and in such Manner, as the said Commissioners, or any Two of them, shall in their Award order and direct.

**And be it further Enacted,** That all the Lands and Grounds to be set out as herein before directed, to and for the said *Thomas Marshall* and his Successors, Vicars as aforesaid, shall, within Six Months next after the Signing and Sealing the Award herein after appointed to be made, by and at the Expence of all the other Proprietors (except the said Earl in respect to his Tythe) be mounded by Ditches and Quickset Hedges on all such Parts and Sides as shall not be directed to be fenced by any One or more of the Proprietors who may have Lands or Grounds allotted adjoining to the Lands to be set out to the said Vicar; and which Quickset Hedges shall be guarded on both Sides thereof with Oak Posts and double Oak Rails, and shall for ever afterward be kept in Repair by the said *Thomas Marshall* and his Successors, Vicars as aforesaid, for the Time being; and all the Fences to be made for dividing and separating the Residue of the Lands and Grounds intended by this Act to be divided and inclosed, shall be made by the respective Persons to whom the same shall be allotted, in such Order and Manner as the said Commissioners, or any Two of them, shall in their Award order and direct.

**And be it further Enacted,** That if any Trees, Hedges, Bushes, or Shrubs be standing and growing on any of the Lands and Grounds hereby intended to be divided and inclosed, at the Time of making such Allotments and Division as aforesaid, and such Lands and Grounds shall be allotted to any Person or Persons, other than the Person or Persons who was or were the Owner or Owners thereof immediately before such Division and Allotment shall be made, such Person or Persons owning such Lands and Grounds immediately before such Division shall or may be made, shall have Liberty and Authority, at any reasonable Time within Six Months next after the making such Division and Allotment, to fell and cut down, and with Horses, Carts, and Carriages to take and carry away the said Trees, Hedges, Bushes, and Shrubs, at his and their Wills and Pleasures, and to and for his and their respective Use and Benefit.



Old Fences,  
being Boun-  
daries, to be  
left.

**Provided always,** That if any such Hedges now standing upon the Premises shall be assigned, limited, or appointed as and for a Boundary Fence or Fences to any Allotment or Allotments, they shall be left for the Benefit of the Person or Persons to whom such Allotment or Allotments shall be made, he, she, or they paying so much Money to the former Owners thereof, as the said Commissioners, or any Two of them, shall order and direct.

Guard Fences  
to be made.

**And be it further Enacted,** That it shall and may be lawful to and for any Person and Persons, ordered and directed as aforesaid to make the Fence or Fences for inclosing any of the Lands or Grounds hereby intended to be divided and inclosed, at any Time during the Term of Ten Years next after the Signing and Sealing the said Award, for the Preservation of their Quick Fences, to place down Stoops and Rails or other Fences on the Outside the Ditches bounding their respective Allotments, not exceeding Three Feet from such Ditches, and to take and carry away the said Stoops and Rails and other Fences at any Time within the said Term of Ten Years.

Lands not to  
be depastured  
within a  
limited Time;

**And be it further Enacted,** That for the more effectual Preservation of the Quick Fences to be planted for dividing and separating the Lands and Grounds hereby intended to be divided and inclosed, it shall not be lawful for any Proprietor, Owner, or Occupier of Lands in the said Parish and Liberties of *Burton-Joyce* and *Bulcote*, depasture either with Sheep or any Cattle any of the Highways which shall be made into Lanes over or through the said Parish and Liberties of *Burton-Joyce* and *Bulcote*, for the Term of Seven Years next after the Signing of the Award herein after mentioned; nor shall it be lawful for any of the Proprietors, Owners, or Occupiers of any Part of the Lands or Grounds hereby intended to be divided and inclosed, to keep or depasture any Sheep or Lambs in any of the Allotments to be made by virtue of this Act, for the Term of Five Years next after such Allotments shall be made, unless the Person or Persons so keeping or depasturing such Sheep or Lambs shall first make or cause to be made a Fence sufficient to guard all the Quick Fences round such Allotments from being cropped, hurt, or damaged by such Sheep or Lambs, whether such Quick Fences be planted and set by the Person or Persons owning or occupying such Allotments as aforesaid, or by any Person or Persons owning or occupying the Allotments adjoining thereto.

unless sufficient  
Guard  
Fences be  
made.

Convenient  
Gaps to be  
left.

**And be it further Enacted,** That convenient Gaps and Openings shall be left in the said Fences for the Space of Six Months next ensuing the Execution of the said Award, for the passing of Cattle, Carts, and Carriages in, by, and through the same, unless the several



ral Persons interested therein shall agree that the same shall be sooner fenced and made up.

**And be it further Enacted,** That in case any Person or Persons, except the said *Thomas Marshal* and his Successors, Vicars as aforesaid, shall refuse or neglect, within Twelve Calendar Months next after the Signing and Sealing the said Award or Instrument, or within any less Time, to be appointed by the said Commissioners, or any Two of them, to inclose and fence the several Parcels of Land and Ground set out and allotted to him, her, or them respectively as aforesaid, in such Manner as the said Commissioners, or any Two of them, shall in their Award order and appoint, it shall and may be lawful to and for the Person or Persons, interested in the Lands or Grounds next adjoining to the Lands and Grounds allotted to the Person or Persons so refusing or neglecting, to exhibit a Complaint in Writing against such Person or Persons, before One or more of his Majesty's Justices of the Peace for the said County of *Nottingham*, not being interested in the Lands and Grounds so to be inclosed and fenced as aforesaid, who may summon the Parties concerned, examine into the Nature of the Complaint, and examine all proper Witnesses on Oath; and after such Summons and Examinations, shall and may, if he or they shall see Cause, order, direct, and appoint the Person or Person exhibiting such Complaint, to make, repair, and maintain the Ditches and Fences of the Person or Persons so neglecting or refusing; and also shall and may, by Warrant under his or their Hand and Seal or Hands and Seals, directed to the Person or Persons exhibiting such Complaint, cause the Charges and Expences of the making, repairing, and maintaining the Ditches and Fences of the Person or Persons so refusing or neglecting (Demand being first made thereof before One or more credible Witness or Witnesses) to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Distresses, and selling the same; or otherwise shall and may, by any Writing under his or their Hand and Seal or Hands and Seals, authorize and empower the Person or Persons, exhibiting such Complaint, to enter into and upon the Premises so to be allotted to such Person or Persons refusing or neglecting to pay as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Charges and Expences of making, repairing, and maintaining the Ditches and Fences of the Person or Persons so refusing or neglecting to pay as aforesaid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

And



Vicar may  
lease for  
Years.

**And be it further Enacted,** That it shall and may be lawful to and for the said *Thomas Marshal* and his Successors, Vicars as aforesaid, by and with the Consent and Approbation of the Archbishop of *York* for the Time being, to grant any Lease or Leases to any Person or Persons of the Lands and Grounds to be allotted to the said *Thomas Marshal* and his Successors, Vicars as aforesaid, by virtue of this Act, for any Term or Number of Years not exceeding Twenty-one Years, so as the same shall commence within Six Months next after the making the said Award, and so as no Fine shall be taken, and the Rent or Rents thereby reserved be made payable to the Vicar of the said Vicarage for the Time being, and his Successors, and so as the usual Powers of Distress and Re-entry for Non-payment of such Rent or Rents, and other necessary Clauses, be contained therein as is usual in Cases of the like Nature; any Law, Usage, or Custom to the contrary thereof in any wise notwithstanding.

Proprietors  
to accept Al-  
lotments.

**And be it further Enacted,** That the Lands and Grounds to be assigned, allotted, and appointed unto and for the several and respective Persons interested in the Lands and Grounds hereby intended to be divided and inclosed, shall, within the Space of Six Months next after the Signing and Sealing of the said Award, be taken and accepted by each and every of the Persons interested therein, in Lieu of and full Satisfaction and Compensation for their and each and every of their several and respective Rights and Interests therein, and their Right of Common, in, over and upon the same; and all Right of Common in all and every Part thereof shall cease and be for ever extinguished upon the said Commissioners, or any Two of them, executing the said Award, or so soon after as they shall therein direct and appoint.

When Right  
of Common  
to cease.

Guardians,  
&c. to accept.

**Provided always, and be it further Enacted,** That Executors in Trust, Guardians, Husbans, Trustees, Committees, or Attornies of any Person or Persons being Minors, under Coverture, or beyond the Seas, or otherwise incapable by Law to accept such Allotments so to be made as aforesaid, shall be and are hereby enabled and required to accept thereof for the Use of such Person or Persons so incapacitated as aforesaid; and such Acceptance shall be and is hereby declared to be as valid and effectual, as if the Person or Persons to or for whom the same shall be made respectively were capable of acting for themselves.

**Provided always nevertheless,** That the Non-acceptance of any Executor in Trust, Guardian, Husband, Committee, Trustee, Tenant for Life, or Attorney, shall not exclude or any way prejudice the Claim or Acceptance of any Feme-covert, or any other Person under



[ II ]

under any Disability or Incapacity to accept; but any Person intitled as Heir or in Remainder may claim and accept after any such Incapacity is removed.

**And be it further Enacted,** That within Six Calendar Months next after the Division and Allotments of the Lands and Grounds hereby intended to be divided and inclosed shall be completed and finished, the said Commissioners, or any Two of them, shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity and Contents in Statute Measure of the Acres, Roods, and Perches contained in the said Lands and Grounds hereby intended to be divided and inclosed, and the Quantity and Contents of each and every Part and Parcel thereof assigned and allotted to each of the Parties intitled to Lands, Tythes, Common Right, or any other Property within the same, and a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments respectively, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing, and keeping in Repair the private Roads, Ways, Fences, Ditches, Banks, Bridges, Gates, and Stiles, in, upon, and over the said intended Inclosure; and also all such Orders, Regulations, and Determinations as are in and by this Act mentioned, directed, and required to be made and established; and also such other Orders and Regulations as shall be necessary or proper, conformable to the true Tenor of this Act, for the more easy, convenient, and effectual Execution thereof, and for removing all Difficulties and Disputes in relation to the Matters therein contained: Which said Award or Instrument shall be fairly ingrossed upon Parchment, and signed and sealed by the said Commissioners, or any Two of them, and shall, within Six Calendar Months next after the same shall be so signed and sealed, be inrolled in One of his Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace for the County of *Nottingham*, to the end Recourse may be had to the same by any Person or Persons interested in the said intended Division and Inclosure; and a Copy thereof attested by the proper Officer where or with whom the same shall be inrolled, as well as the original Award, shall at all Times be admitted in all Courts whatsoever as legal Evidence of the same; and the several Allotments, Partitions, and Divisions so made and set forth in the said Award or Instrument, and the Orders and Regulations therein contained, shall be and are hereby declared to be binding and conclusive unto and upon all and every the several Parties interested in the Lands and Grounds hereby intended to be divided and inclosed as aforesaid.

**And be it further Enacted,** That all and every Lease and Leases at rack or extended Rent subsisting of all or any Part or Parts of the  
Leases to be void.  
Lands



Lands and Grounds hereby intended to be divided and inclosed, and all other Agreements at rack or extended Rent for any Time or Term therein, shall immediately upon such Divisions and Allotments being made, and such Award or Instrument being executed as aforesaid, or as soon after as the said Commissioners, or any Two of them, shall in their said Award appoint, cease, determine, and be void; the respective Owners of such Parts of the said Lands and Grounds hereby intended to be divided and inclosed, who have made any such Lease or Leases, or Agreements, making such Satisfaction to their several Lessee or Lessees, Tenant or Tenants, as the said Commissioners, or any Two of them, shall ascertain as reasonable to be paid to such Lessee or Lessees, Tenant or Tenants, on account thereof, or as an Equivalent for the same.

Fallow Fields to be ploughed.

And whereas it will be a great Detriment to the several Proprietors if the Course of Husbandry be not regularly carried on in the said Lands and Grounds hereby intended to be divided and inclosed; Be it therefore further Enacted, That the Tillage Parts of such Fields as shall happen to be fallow the Year wherein such Division and Allotments shall be made, shall be ploughed in a Husband-like Manner Two several Times in that Year, between the First Day of *March* and the First Day of *August*, by the then Proprietors or Occupiers of such Lands and Grounds; and every Proprietor or Occupier, who shall neglect or refuse to plough the same, shall forfeit and pay to such Person or Persons to whom such Lands shall be assigned and allotted the Sum of Ten Shillings an Acre, and so in Proportion for a greater or less Quantity than an Acre for every Tilt omitted, or which shall not be so ploughed as aforesaid, to be recovered by Application to the General or Quarter Sessions of the Peace for the County of *Nottingham* in a summary Way; which Matter such Court of Sessions is hereby authorized to hear and finally determine, and to cause the Money that shall appear to be due for such Ploughing omitted as aforesaid, to be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant of the same Court, with reasonable Costs; and if any of the Persons interested in the said intended Division and Inclosure shall not have so much Tillage Land allotted in the said Fallow Field as they shall so plough as aforesaid, they shall have and receive respectively from the Person or Persons to whom such Lands shall be respectively allotted such Allowance and Satisfaction for such their Ploughing as aforesaid, as the said Commissioners, or any Two of them, shall direct and think reasonable; and such Allowance and Satisfaction shall be recovered in Manner aforesaid, with Costs as aforesaid.

Commissioners to order the

And be it further Enacted, That from and after the Passing of this Act the said Commissioners, or any Two of them, shall order, direct,



direct, and appoint the Course of Husbandry to be used in the Tillage <sup>Course of Husbandry.</sup> Parts of all the said Lands and Grounds hereby intended to be divided and inclosed (except as to such plowing as aforesaid) till such Time as they shall have completed their Award; and that all and every Person's Estate in the said Lands and Grounds hereby intended to be divided and inclosed shall be subject and liable to such Directions as they shall appoint, with regard to the stocking, plowing, tilling, folding, sowing, or laying down the same.

**And be it further Enacted,** That nothing in this Act contained shall extend, or be construed or adjudged to extend, to revoke, make <sup>Not to prejudice Wills.</sup> void, alter, or annul any Will or Settlement, or to prejudice any Claim of Dower, Portion, Debt, or Incumbrance, Quit-rents, or other Rents, out of, upon, or affecting any of the Lands or Grounds to be divided and inclosed, or any Inclosures, Houses, or Buildings which may be exchanged by virtue of this Act (other than and except such Leases or Agreements as aforesaid); but each and every Proprietor's Allotment to be made by virtue of this Act, and the old Inclosures, Houses, and Buildings, which may be exchanged as aforesaid, shall stand charged and be chargeable with the same Debts, Rents, and Incumbrances as they severally was or were chargeable with, or affected by, before the Passing of this Act.

**And be it further Enacted,** That it shall and may be lawful to <sup>Tenants for Life may mortgage Allotments for Money to inclose not exceeding per Acre.</sup> and for the several Owners and Proprietors for the Time being of the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, and to and for the Husbands, Guardians, Trustees, or Committees of any of the said Owners or Proprietors, being under Cover-<sup>ture</sup>, Minors, Ideots, Lunatics, or beyond the Seas, or being under any other Disability whatsoever, and to and for every or any of them for the Time being, and to and for all Persons acting as Guardians, Trustees, or Committees for any of the said Owners or Proprietors, and to and for any of the said Owners and Proprietors, being Tenants in Tail or for Life only (except the said *Thomas Marshal* and his Successors, Vicars as aforesaid) from time to time to charge the Lands and Grounds, which shall be assigned and allotted unto them by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Forty Shillings for each Acre, to be applied for defraying the Expence of passing this Act, and putting the same in Execution, and making the Fences to such Lands and Grounds; and for securing the Re-payment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be assigned and allotted to such Person or Persons as shall respectively advance and lend such Money, his, her, and their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant or Demise be made with a Proviso

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or



or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully satisfied and paid; and so as such Grant or Demise, which shall be made by any Person or Persons interested in or intitled to any such mortgaged Premises for the Term of their natural Lives only, or by his, her, or their Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Covenant to pay and keep down the Interest of the said Money to be thereby respectively secured during his, her, or their respective Life or Lives, in such Manner that no Person, afterwards becoming possessed of such Lands and Grounds, shall be subject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Time when the Title to such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise of the said Lands, Grounds, and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good, valid, and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in the said Husbands, Guardians, Trustees, or Committees, or in the Person acting as such, or in the said Tenants in Tail or for Life; any Settlement, Will, Trust, Use, Remainder, Limitations, or other Impediments or Incumbrance of or concerning the said Lands, Grounds, or Premises, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary notwithstanding.

Commis-  
sioners to give  
Notice of  
their Meet-  
ings.

For appoint-  
ing new  
Commis-  
sioners.

And be it further Enacted, That the said Commissioners, or any Two of them, shall and they are hereby required to give publick Notice in the Parish Church of *Burton-Joyce* aforesaid, upon some Sunday immediately after Divine Service, and also to affix a like Notice in Writing upon the Door of the said Church, of the Time and Place of their First and every other Meeting for executing the Powers vested in them by this Act, at least Fourteen Days before every such Meeting (Meetings by Adjournment only excepted); and when and so often as, before the Execution of the said Award or Instrument, any One or more of the Commissioners appointed by this Act, or to be elected in Manner hereafter mentioned, shall die or refuse to act, the Persons who shall respectively for the Time being be interested in the Lands and Grounds to be divided and inclosed as aforesaid, or the major Part of them in Number and Value, shall from time to time, within Two Calendar Months next after the Death or Refusal to act of such Commissioner or Commissioners, by Writing under their Hands and Seals, appoint One or more Commissioner or Commissioners; not interested in the said intended Division and Inclosure, instead of the Commissioner or Commissioners so dying or refusing to act as aforesaid; and every such Commissioner so appointed shall have the like Power to act as any Commissioner appointed by this



this Act is hereby impowered to act; provided that publick Notice be given in the said Parish Church of *Burton-Joyce* upon some Sunday immediately after Divine Service, and a like Notice in Writing be affixed on the Door of the said Church, of the Time and Place of Meeting for appointing such Commissioner or Commissioners, at least Twenty Days before every such Meeting.

And be it further Enacted, That the Charges and Expences of passing this Act, and all other the Costs and Charges attending the Execution thereof, shall be borne and defrayed by all the Proprietors and Owners of Lands, and Persons interested in the said Fields, Meadows, common Pastures, and commonable Lands (other than and except the said Vicar and his Successors, and the said Earl with respect to the Lands set out to him for Tythes) by an equal Pound Rate, according to the Value of the Lands and Grounds each Person shall have allotted to him, her, or them respectively by virtue of this Act, to be settled and adjusted by the said Commissioners, or any Two of them; and that in case any of the Owners or Proprietors, or Persons aforesaid, shall neglect or refuse to pay his, her, or their Proportion of the Charges and Expences as aforesaid, to such Person or Persons, at such Time and Manner as the said Commissioners, or any Two of them, either before or after their Executing of the said Award or Instrument, by a Notice or Notices in Writing under the Hands of the said Commissioners, or any Two of them, to be affixed on the Door of the Parish Church of *Burton-Joyce* aforesaid, shall order and direct (which Notice is directed to be affixed Fourteen Days at least before the Time of such Payment) it shall and may be lawful to and for the said Commissioners, or any Two of them, and they shall and may and are hereby impowered, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of making such Distress and Sale; and in case no sufficient Distress can be had or taken as aforesaid, it shall and may be lawful to and for the said Commissioners, or any Two of them, or any other Person to be authorized by them, to enter into and upon the Premises so to be allotted to such Person or Persons so neglecting or refusing as aforesaid, and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Charges and Expences aforesaid, so to be ordered and directed by the said Commissioners, or any Two of them, to be paid by such Person or Persons, and also all Costs, Charges, and Expences occasioned by or

For paying  
the Expences.



attending such Entry upon and Perception of the Rents and Profits of the same Premises, shall respectively be fully paid and satisfied.

Appeal to the  
Quarter Ses-  
sions.

**And be it further Enacted,** That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act, then and in every such Case (except in such Cases where the Orders and Determinations of the said Commissioners are directed to be final, binding, and conclusive upon all Parties) he, she, or they may appeal to the General Quarter-Sessions of the Peace which shall be held for the County of *Nottingham*, within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices, in their said General Quarter-Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs, as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster* or elsewhere.

Saving to the  
Lord of the  
Manor.

**And be it further Enacted,** That nothing in this Act contained shall prejudice, lessen, or defeat the Rights, Titles, or Interests of the said Earl and the said *Abel Smith*, or their Heirs and Assigns, as Lord or Lords of the said Manors, or of any future Lord or Lords of the said Manors, within the Jurisdiction or Limits thereof, or of, in, or to the Seigniories, Royalties, Rights, and Services, incident and belonging to the said Manors; but that such Lord or Lords for the Time being, and all Persons claiming or to claim under or in Trust for him or them, as Lord or Lords of the said Manors, shall at all Times hereafter hold and enjoy all Rents, Services, Rights, Royalties, Courts, Perquisites and Profits of Courts, and all other Royalties, Privileges, and Jurisdictions to the said Manors, or to the Lord or Lords thereof belonging (other than and except such Right of Common as can or may be claimed by the Lord or Lords of the said Manors upon the Lands and Grounds hereby intended to be divided and inclosed) in as full, ample, and beneficial Manner, to all Intents and Purposes, as they might have held and enjoyed the same in case this Act had not been made.

Saving of the  
Right of the  
Earl of *Chesterfield* to  
*Thorney*  
Wood Chase.

**And whereas** the said Earl of *Chesterfield* is seised of a Chase, commonly called *Thorney Wood Chase*, in the said County of *Nottingham*, the Liberties of which said Chase extend over the Whole of the said



aid Parish and Liberties of *Burton-Joyce* and *Bulcote*, **Be it therefore**  
**further Enacted**, That nothing in this Act contained shall prejudice,  
 defeat, and destroy the Right of Chase of the said Earl, his Heirs or  
 Assigns, for his wild Beasts or Beasts of Chase within the said Parish  
 and Liberties of *Burton* and *Bulcote*; but that the said Earl, his Heirs  
 and Assigns, shall have and enjoy such Right of Chase there as hath  
 been used and accustomed on that Behalf: And that all Hedges and  
 Fences already made, or to be made within any Part of the Liberties  
 of *Burton-Joyce* and *Bulcote*, in pursuance of this Act, shall be in all  
 Cases subject to the former Laws relative to the Forest and Chase, in  
 such and the same Manner as they would have been if this Act had  
 never been made; this Act or any Thing contained therein to the  
 contrary in any-wise notwithstanding.

**Saving always** to the KING's most Excellent MAJESTY, <sup>General Sa-</sup>  
 his Heirs and Successors, and all and every other Person or Persons, <sup>ving</sup>  
 Bodies Politick and Corporate, his, her, and their Heirs, Successors,  
 Executors, and Administrators (other than and except all such Persons  
 to whom any Allotment or Allotments of Lands shall be made by vir-  
 tue of this Act, his, her, and their Heirs, Executors, and Administra-  
 32 tors respectively) all such Estate, Right, Title, and Interest, as they,  
 every or any of them, had and enjoyed of, in, to, or in respect of  
 the said Lands and Grounds hereby intended to be divided and in-  
 closed, or could or might have enjoyed in case this Act had not been  
 made: But no such Person or Persons; Bodies Politick or Corporate,  
 his, her, or their Heirs, Executors, Administrators, or Successors, shall  
 have Power to disturb any of the Allotments to me made in pursuance  
 of this Act; but shall accept the respective Allotments which shall be  
 made in lieu of the Lands, Common Rights, Tythes, and other In-  
 terest in the said Lands hereby intended to be divided and inclosed,  
 which he, she, or they would have been intitled to in case this Act  
 had not been made; and shall be intitled to recover such Allotments  
 as fully as he, she, or they would have been intitled to have recovered  
 the Lands, Grounds, Common Rights, and Tythes, in lieu of which  
 such Allotments shall be made as aforesaid.



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FOR

Dividing and Inclosing the Open  
Fields, Meadows, Common Pas-  
tures, and other Commonable  
Lands, within the Parish and Li-  
beries of Burton-Joyce and Bul-  
cote, in the County of Notting-  
ham.

[ 1768. ]



